

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS MICHAEL KINER,
Plaintiff,
v.
F. GUZMAN, et al.,
Defendants.

No. 2:24-cv-2709 CKD P

ORDER AND

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding pro se and seeking relief pursuant to 42 U.S.C. § 1983. On February 26, 2025, plaintiff's complaint was dismissed with leave to file an amended complaint. Plaintiff has now filed an amended complaint.

The court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2).

Plaintiff alleges that on June 29, 2021, he was informed that a detainer had been lodged against him by a prosecuting entity in some unidentified federal jurisdiction, but he was not informed he could seek disposition of the pending charges under the Interstate Agreement on Detainers (IAD). As early as January 18, 2022, he sought disposition of the pending charges and

1 blames California Department of Corrections and Rehabilitation employees for that not occurring.
2 Plaintiff is housed at a prison which is within the territorial jurisdiction of the court. He has no
3 pending criminal charges in this court.

4 At best, plaintiff alleges that criminal proceedings in another federal jurisdiction have
5 been delayed by defendants as a result of violations of the IAD. This court has no jurisdiction
6 over those proceedings. To the extent plaintiff seeks resolution of such proceedings he should
7 consider contacting the appropriate federal court. The IAD, 18 U.S.C.App. § 2 provides no basis
8 for the money damages sought by plaintiff and plaintiff does not state a claim for a violation of
9 any other federal right.

10 For these reasons, plaintiff's amended complaint fails to state a claim upon which relief
11 can be granted. Because it does not appear that plaintiff can, in good faith, state a claim upon
12 which he can proceed, the court will not grant leave to amend a second time and recommends that
13 this case be closed.

14 In accordance with the above, IT IS HEREBY ORDERED that the Clerk of the Court
15 assign a district court judge to this case.

16 IT IS HEREBY RECOMMENDED that:

17 1. Plaintiff's amended complaint be dismissed for failure to state a claim upon which
18 relief can be granted; and

19 || 2. This case be closed.

20 These findings and recommendations are submitted to the United States District Judge
21 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
22 after being served with these findings and recommendations, plaintiff may file written objections
23 with the court. The document should be captioned “Objections to Magistrate Judge’s Findings
24 and Recommendations.” Plaintiff is advised that failure to file objections within the specified

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1 time waives the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th
2 Cir. 1991).

3 Dated: March 18, 2025



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CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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